File No. 294
1893.

Collection No.

Mysore Residency

Pros. / Serial Nos. 104 - 109

Subject.

Amendments to the Bangalore Municipal Law, 1897 (S.R. 108)

Previous References.	Later References.

3, 97. (Blue).
DCFP · 678S&P—(G.1085)—10-3-30—1,00,000.

Office of the Resident in Mysore.

_____ Branch.

Proceedings No. of the month of 19

_____.

Serial Nos. 154 of File 294 of 1893

Proceedings number.	Subject and order.	Date of last order.	Previous Proceedings	
			Serial or Proceedings numbers and Branch	File or month.
102-103	No. 1504, to the President, Municipal Commission, C. and M. Station, forwarding for the information of the Municipal Commission a draft notification submitted to Government of India on the subject of amending certain sections of the Bangalore Municipal Law, 1897, and a copy of the letter with which the draft was forwarded and intimating that the Government of India have approved of the proposals subject to certain remarks and requesting that a revised notification in the light of the remarks offered by the Government may be submitted for the consideration of the Resident.	11th March 1910.	294—1893	
27-28	No. 2746, to the Secretary to the India Government, Foreign Department, submitting a draft revised notification *re.* the amendment of certain sections of the Bangalore Municipal Law, 1897, for the approval of the Government of India.	6th May 1910.	294—1893	

Office of the Resident in Mysore.

_____ Branch.

Proceedings No. of the month of 19

Serial Nos. 108-109 of File 294 of 19 1893

Proceedings number.	Subject and order.	Date of last order.	Previous Proceeding	
			Serial or Proceedings numbers and Branch.	File or month.
55-56	No. 3416, to the President, Municipal Commission, C. and M. Station of Bangalore, forwarding a Notification No. 912 I. B., dated 13th May 1910, containing certain amendments to the Bangalore Municipal Law.	4th June 1910.	294—1893	

R. P. B.—2-1912.—2,000.

File No. 294 of 1913

D.104

RESIDENT'S OFFICE.

Note Sheet.

Letter No. 348. J.B dated 18th Feb. 1910 from the Govt of India, Foreign Dept.

SUBJECT.

Amendment of certain sections of the Bangalore Municipal Law, 1907.

The omission noticed by the Govt of India in section 41 (2) of the Municipal Law does not appear to be intentional. (The Municipal Commr may be asked)

2 As regards section 53, ~~the Govt of India remark that the amendment should include the whole of sec. 132 of the Madras Municipal Act, i.e. clause 3 of that act relating to the entry into buildings & lands for purposes of valuation. As this is separately provided for in section 133 (b) of the Bangalore Municipal Law, there seems to be no need for a reference thereto in section 53.~~ The amendment is intended to include the whole section.

3. The objections taken to the amendment of section 58 as proposed appear to be well taken.

4. There seems to be no necessity to make provision for a penalty in section 80 as required by the Govt of India. On failure to comply with a notice, the work required is done by the Municipality at the cost of the owner after

a further notice of six hours - vide sections 140 & 141 of the Municipal Law. I agree. No penalty seems necessary. Sir J.

5 In the matter of the amendment of section 151, the Govt. of India apparently do not consider the grounds advanced in para 8 of this office letter No. 8004 of the 18th Dec. 1909 to be sufficiently strong to warrant the proposed amendment. The words "after dark" must be retained for the words "half an hour after sunset" unless the Municipality bring forward better arguments. A. 100

6. The suggestions made by the Govt. of India with reference to the proposed amendment of section 186 may be complied with. ~~as the officers [illegible]~~ It is satisfactory that the G.of I. have affirmed our proposal to remove Municipal Bills through the agency of criminal courts. 1900.

7 - If approved, a copy of the draft ~~notification~~ notification submitted to the Govt. of India together with a copy of this covering letter may, if approved, be forwarded to the President, Municipal Commission, for the Station, with reference to his letter No. 3352 of the 11th October 1909, & in communicating the remarks of the Govt. of India as contained in Foreign Deptt. letter of the 18th February 1910, A. 103 (a) A. 103 A. 100 A. 104

Notes-*continued.*

Margin for binding not to be written on.

he may be informed as on paras 4 of note, & asked to submit for Ministers' consideration a ~~draft~~ revised draft notification.

H.
22/4/10

28/2/10

Rest

8. With reference to paras 3 & 4 of above notes I think the penalty should be incurred on failure to comply with the notice. Possibly the defacement (in such case) of the summons might have been overlooked, in any case a reminder or order to replace it at once would seemingly come first. This is unless the course is taken as proposed by the note under comment.
As proposed? asking for further observations in reply to Govt's criticism

W.G. 3/3

Sir F
3/3

Draft letter to the President, municipal Commission, is submitted for approval.

H.
4/3/10

4/3/10

W.G. 5/3

Issued no. 1504 dated the 11th March 1910.

Wrongful defacement is provided with a penalty: omission to remove the summons appears only the notice.

Sir F

se. 105.

R. P. B.—7-09.—2,000.

4

R. P. B.—8-1910.—1,000.

RESIDENT'S OFFICE.

Note Sheet.

File No. 2947/1893

Letter No. 281 dated 12/15 April 1910

from the President, Municipal Commission, Coorg

SUBJECT.

Amendment of certain sections in the Mangalore Municipal Law, 1897.

D.104

The draft revised notification forwarded by the Municipal President accords with the remarks of the Govt of India contained in Foreign Dept letter N. 348-D.18 of the 18th Feb. 1910, but the ~~amendment~~ addition referred to in para. 2 of the revised notification should be made between the words "building" and "and", & not between the words "erected" and "and" as now made in the Municipal office. With this alteration, the revised notification might be forwarded to the Govt of India with an explanatory letter a draft of which is submitted for approval.

21/4/10

23/4/10

Recd

Inappropriate! The corrections made seem all that is required.

25/4

P.T.O

RESIDENT'S OFFICE.

:o:

NOTES AND PRECIS.

R. P. B.—6-05.—1,000.

No. 348 I.B.

From

The Assistant Secretary to the Government of India
in the Foreign Department,

To

The Hon'ble Mr. S. M. Fraser, C.I.E.,
Resident in M y s o r e.

Dated Fort William, the 18th February 1910.

Sir,

I am directed to reply to your letter No. 8004, dated the 18th December 1909, submitting proposals for the amendment of certain sections of the Bangalore Municipal Law, 1897.

2. I am to say that the Government of India are pleased to approve the proposals subject to the following remarks:-

Section 41(2). In the draft proviso, which is based on section 130(1) of the Madras City Municipal Act, 1904(III of 1904), the words "less a reasonable amount on account of depreciation" have been omitted. The provision is an important one, and if the omission is intentional, I am to ask that the reasons for the omission may be stated.

Section 53. The amendment should include the whole section, and not sub-section (1) only as stated in the draft Notification.

Section 58. As the proposed amendment to this section is arranged, it would appear that clause (3) is intended to

apply

apply both to clauses (1) and (2). If, however, as the wording indicates, it is intended to apply to clause (1) only, the arrangement requires alteration; if, on the other hand, it is intended to apply to clause (2) also, provision for notice and for fixing a time for objections should be made in clause (2), and the word "amendment" in clause (3) requires amplification.

Section 80. The proposed addition, clause (2) of this section provides a penalty for the destruction of a number and it would appear necessary likewise to provide for a penalty for failure to comply with the notice which the proposed addition to the section requires.

Section 151. Unless there are good grounds for the alteration of which the Government of India are unaware, it would be preferable to retain the expression 'after dark' in lieu of "half an hour after sunset" in the section as revised.

Section 186. Clauses 1(a) to (d) describe methods of recovery of sums due to the Commission, but clause 1(e) deals with a somewhat different subject and would more properly be shown as a distinct clause (2), the proposed clauses (2) and (3) being renumbered accordingly. As regards section 186(2), I am to invite your attention to sections 454 and 188 of the Madras City Municipal Act, 1904, and to suggest that special provision should be made therein for the payment to the Municipal Commission of the fine inflicted, or as much as

may

may be due to them.

3. I am to request that the draft notification may be revised in the light of the foregoing remarks, and a fresh draft submitted for approval and publication.

I have the honour to be,

S i r,

Your most obedient servant

D W Reynolds

Assistant Secretary to the Govt. of India.

R. P. B.—1-1910.—1,000.

RESIDENT'S OFFICE.

Serial No. 105
File No. 294
1893

[DRAFT.]—For approval.

From

MAJOR W. G. GREY, I. A.,
1st Assistant to the Resident in Mysore.

To

The President, Municipal Commission
(+ in Station of Bangalore

No. 15042
D/11 Dec 1910.

Sir,

With reference to your letter No. 3352 dated the 11th October 1909, recommending certain amendments in the Bangalore Municipal Law, I am directed to forward herewith, for the information of the Municipal Commission, a draft notification submitted to the Govt of India on the subject, together with a copy of the Residency letter with which the draft was sent.

A.100

A.103(a)

A.103

2

(Continuation of Draft).

2. The Govt. of India have been pleased to approve the proposals subject to the following remarks:—

Section 41 (2). In the draft proviso, which is based on section 130 (1) of the Madras City Municipal Act, 1904 (III of 1904), the words "less a reasonable amount on account of depreciation" have been omitted. The provision is an important one, & if the omission is intentional, I am to ask that the reasons for the omission may be stated.

Section 53. The amendment should include the whole section & not sub section (1) only as stated in the draft notification.

Section 58. As the proposed amendment to this section is arranged, it would appear that

clause (3)

R. P. E.—8-09.—2,008.

(Continuation of Draft).

clause (3) is intended to apply both to clauses (1) and (2). If, however, as the wording indicates, it is intended to apply to clause (1) only, the arrangement requires alteration; if, on the other hand, it is intended to apply to clause (2) also, provision for notice and for fixing a time for objections should be made in clause (2), & the word "amendment" in clause (3) requires amplification.

<u>Section 80</u>. The proposed addition clause (2) of this section provides a penalty for the destruction of a number &c in the opinion of the Govt of India, it would appear necessary, likewise to provide for a penalty for failure to comply with the notice which the proposed addition to the section requires. No penalty, however, ~~seems~~ appears to the Resident to be necessary.

~~Some~~

(Continuation of Draft).

being that ~~since~~, on failure to comply with a notice, the work required can, ~~done~~ under sections 140 & 141 of the Municipal Law, ~~done by the Municipality~~ be executed under the order of the Commissioner at the cost of the Owner after a further notice of six hours

Section 151. Unless there are good grounds for the alteration of which the Govt. of India are unaware, it would be preferable to retain the expression "after dark" in lieu of "half an hour after sunset" in the section as revised.

Section 186. Clauses 1 (a) & (d) ~~prescribe~~ describe methods of recovery of sums due to the Municipality, but clause ~~(b)~~ 1 (e) deals with a somewhat different subject and would more properly be shown as a distinct clause (2), the proposed clauses (2) & (3) being renumbered accordingly.

R. P. B.—8-99.—2,000.

(Continuation of Draft).

accordingly - As regards section 186 (2), I am to invite attention to sections 454 & 188 of the Quetta City Municipal Act, 1904, and to suggest that special provision should be made therein for the payment to the Municipal Commission of the fine inflicted, or as much as may be due to them -

3. I am, in conclusion to request that the draft notification may be revised in the light of the foregoing remarks, & a fresh draft submitted for Resident's consideration

I have, etc,

W.G. 5/3

First Asst to Resident.

Sra 3/8/10

H.P. 4/3/10

4/3/6

KW 7/5.

H.O. 1,500—5—4—1909. 10.6

1914 No. 281 with / encl:

CIVIL AND MILITARY STATION, BANGALORE,

MUNICIPAL OFFICE.

DATED 12th April 1910. 190 15

FROM

F. J. RICHARDS, ESQUIRE, M. A., I. C. S.,

President, Municipal Commission,

C. & M. Station, Bangalore.

To

Major W. C. Grey I.A.,

First Assistant to the Resident in Mysore,

Bangalore.

SIR,

In acknowledging the receipt of your letter No.1504 dated the 11th March 1910, in which you communicate the orders of the Government of India regarding the amendments proposed in the Bangalore Municipal Law 1897, I have the honor to submit, as desired, a revised draft notification and to explain as follows:-

Section 41(2) The omission of the words "less a reasonable amount on account of depreciation" was not intentional and the same has now therefore been supplied, being unobjectionable

Section 53. The amendment was intended as a substitute for the entire section and not for 53(1) only. The necessary correction has now been made.

Section 58. The proposed amendment is independent of the existing clauses (1) and (2) to the section. Clause (2) is intended to apply to clause (1) only. Necessary alteration has been made by numbering the amendment as clause (3) instead of clause (2).

Section 80. As pointed out by the Hon'ble the Resident no penalty for failure to comply with the notice is necessary. Sections 140 and 141 might be

be put in force in cases of failure to comply with the notice.

Section 151. The words "after dark" may be retained as desired by the Government of India. The necessary alteration has been made in the revised notification.

Section 186. Clause 1(e) as amended has been made a distinct clause and inserted as clause (2). Clauses (2) and (3) being renumbered as pointed out.---As to the suggestion that special provision should be made for the payment of fines to ~~the~~ the Municipality, I beg to invite attention to the existing Section 178 of the Law which provides for all that is necessary.

I have the honor to be,

Sir,

Your most obedient servant,

President, Municipal Commission,

Civil and Military Station, Bangalore.

14/4

16 MAR 1910
LIBRARY STATION

THE MYSORE RESIDENCY PRESS
No. 40
Recd 4-5-1910
Proofed
Supplied 4-5-10
BANGALORE.

Draft Notification.

In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, the Governor General in Council is pleased to make the following amendments in and additions to the Bangalore Municipal Law, 1897, promulgated in Foreign Department Notification No. 2175 I. A., dated the 9th June 1897, as amended by that Department Notification No. 5069-I. A., dated the 21st December 1906, namely :—

1. At the end of Section 21 (1), *add* the words "except those whose pay does not exceed rupees ten per mensem."

2. To Section 41 (2), *add* as first proviso, *viz.*, "Provided that in the case of any building not erected for purposes of being rented and not ordinarily let, the annual value thereof shall be deemed to be six per cent on the estimated present cost of erecting the building and the estimated cost of the land in or on which the building is erected, less a reasonable amount on account of depreciation, and

Insert the word "also" between the words "Provided" and "that" in the existing proviso which should be regarded as the 2nd proviso to Section 41 (2)

3. For Section 53 ~~(1)~~ *substitute* the following : *viz.*,

"53 (1). For the purposes of this chapter, the Commission may, by notice, in writing,

(a) call on the owner of any land or building to furnish, within a week after the service of the notice, returns of the rent actually received for such land or building, of the measurements thereof and of the cost of erecting the building, and

(b) call on the occupier of any land or building to furnish, within a week after the service of the notice, a return of the rent actually paid for such land or building and of the name of the owner."

"(2) Every owner or occupier on whom such requisition is served shall be bound to comply with the same and to make a true return to the best of his knowledge and belief."

"(3) If any person so called upon to furnish information (a) omits to furnish it, or (b) furnishes information which he knows or has reason to believe to be untrue, he shall be punishable in case (a) with fine which may extend to ten rupees, and in case (b) with fine which may extend to one hundred rupees."

4. For section 58, *substitute* the following : *viz.*,

"58 (1). The Commission may at any time amend the assessment list by inserting the name of any person whose name ought to have been inserted or by inserting any property which ought to have been inserted or by altering the assessment on any property which has been erroneously valued or assessed through fraud, accident or mistake, after giving notice, to every person interested in the amendment, of a time not less than one month from the date of service of such notice at which the amendment is to be made.

(2) ~~(3)~~ Any person interested in any such amendment may tender his objection to the Commission in writing before the time fixed in the notice, and shall be given an opportunity of being heard in support of the same in person or by authorized agent, as he may think fit.

(3) ~~(2)~~ When any building is first constructed, rebuilt or enlarged, the owner shall give intimation thereof to the Commission within fifteen days from the completion of such first construction, rebuilding or enlargement or from the date of occupation of such building, whichever date happens first. The Commission shall, on receipt of the said intimation, assess the tax leviable in respect of the building. For every whole month intervening between the date of completion or occupation and the end of the half year, one-sixth of the half yearly instalment of such new tax or enhanced tax shall be leviable.

5. To section 80, *add* the following sub-section, *viz.*,

"(2) when a number has been affixed under sub-section (1), the owner of the building shall be bound to maintain such number and to replace it if removed or defaced, and if he fails to do so, the Commission may, by written notice, require him to replace the same."

Renumber the existing sub-section (2) of section 80 as number (3).

6. In section 137 (1) (e) (1) *insert* the words "cart stands" between the words "encamping-grounds" and "pounds."

To section 137 (1) (e) *add* the following clauses, *viz.*,

"(vii) For the control and supervision of all premises used for any of the purposes mentioned in section 103 and of all trades and manufactures carried on therein."

(viii) For regulating the hours and manner of transport of skins, hides, horns, salt fish, and bones, or any other articles, which may be specified by the Commission with the approval of the Resident, from which offensive or unwholesome smells are likely to arise."

7. For section 151, *substitute* the following, *viz.*, after dark

"151. Whoever drives any vehicle ~~half an hour after sunset~~ in any street unless the vehicle is supplied with a sufficient light, shall be punished with fine which may extend to twenty rupees.

8. For section 159, *substitute* the following, *viz.*,

"159. Whoever carries a corpse along a route prohibited by the Commission or deposits a corpse in any place prohibited by the Commission or in any place or manner likely to cause annoyance to the public shall be punishable with fine which may extend to ten rupees."

9. For section 186, *substitute* the following, *viz.*,

"186 (1). When any sum is due to the Commission under this Law by any person the Commission may recover such sum in the following manner, namely :—

(a) by causing a bill for the sum stating the nature of the demand, to be served on the person liable to pay the same, in the manner provided in section 182;

(b) if the sum is not paid within seven days from the service of such bill, by causing a notice of demand to be served on such person;

(c) if such person does not within seven days from the service of such notice pay the sum due, with any fee leviable for the notice, or show sufficient cause for non-payment, by distraining and selling the moveable property of such person in the manner provided in the Code of Civil Procedure for the time being in force in the Station;

(d) by suing such person in the Civil Court.

(2) (6) Taxes levied on buildings and lands shall, subject to the prior payment of any claim on behalf of Government, be a first charge upon the said buildings or lands and upon the moveable property, if any, found within or upon such building or land and belonging to the person liable for such tax.

(3) (7) In the event of the non-payment of any tax imposed under Section 41, Section 42 or Section 43, within seven days from the date of the service of a notice of demand in terms of clause (b) of sub-section (1), the person failing to pay such tax, shall, on conviction before a Magistrate, be liable to a fine not exceeding twice the amount of the tax found to be due.

Provided that recovery by prosecution shall not be applicable to sums due on account of water consumed in excess of the sanctioned free allowance.

(4) (8) If the sum due from the owner of any house, building or land in respect of any rate or tax remains unpaid, after notice of demand has been duly served, the President may demand the amount from the occupier for the time being of such house, building or land, and on non-payment thereof, may

recover the same by distress and sale of any moveable property found on the premises and in such case the occupier may deduct from the next and following payments of his rent the amount which may be so paid or recovered from him.

Provided that no arrear of rate, or tax which has remained due from the owner of any house, building or land for more than one year shall be so recovered from the occupier thereof."

10. At the end of the Municipal Law, *add* a new section, *viz.*,

"193. The President may summon any person to attend before him and to give evidence or produce documents, as the case may be, in respect of any question relating to taxation or inspection or to the grant of any license under the provisions of this Law."

Any person failing to obey the summons shall be liable, on conviction before a magistrate, to a fine not exceeding fifty rupees.

A. Claire
Secretary.

Lal.

R. P. B.—3-1910.—1,000.

T

No. 2746 Genl
8/6: May 1910.

RESIDENT'S OFFICE.

Serial No. 107
File No. 294/'93

[DRAFT.]—For approval.

From

The Hon'ble Mr. S. M. Fraser, C.S.I.,
~~MAJOR W. G. GREY, I. A.,~~

~~1st Assistant to the~~ Resident in Mysore.

To

~~The Hon'ble Mr.~~
S. H. Butler ~~Esqr.~~, C.S.I., C.I.E.,
Secretary to the Govt. of India,
Foreign Department.

Sir,

I have the honour to acknowledge the receipt of Mr. Reynold's letter No. 348. I. B. dated the 18th February 1910, regarding the amendment of certain sections of the Bangalore Municipal Law, 1897.

S. 104

2. In reply, I beg to submit, for the approval of the Govt. of India, a draft revised notification on the subject, and to explain as follows:-

Encl. 105, 106

Section 41(2) - The omission of the words "less a reasonable amount

amount on account of depreciation" was not intentional, & the same has now therefore been omitted.

Section 53. The amendment was intended as a substitute for the entire section and not for subsection ~~53~~ (1) only. The necessary correction has now been made.

Section 58. The proposed amendment ~~clause (3)~~ ~~amendments~~ is independent of the existing clauses (1) & (2) of the section. Clause (2) is intended to apply to clause (1) only. Necessary alteration has been made by numbering the amendment ~~as~~ clause (3) instead of ~~as~~ clause (2).

Section 80. No ~~penalties~~ penalty for failure to comply with the notice ~~is~~ seems necessary, ~~seeing that~~ since, on failure to comply with a notice, the work required can, under sections 140 & 141, be executed under the orders of the Municipality at the cost of the owner after a further notice of six hours.

Section 151.

R. P. B.—8-09.—2,000.

(Continuation of Draft).

Section 151. The words "after dark" may be retained as desired by the Govt of India. The necessary alteration has been made in the revised notification

Section 186. Clause 1(e) has been made a distinct clause & now inserted as clause (2), the present clauses (2) & (3) being re-numbered as clauses (3) & (4). As to the suggestion that special provision should be made for the payment of fees to the municipality, attention is invited to section 178 of the municipal Law which appears to provide for all that is necessary in this matter

I have etc

Lord S. Sin. Hasan
Resident.

Kut. 29.4.10.

21/4/10 23/4/10. 25/4

Draft Notification. (Revised)

In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, the Governor General in Council is pleased to make the following amendments in and additions to the Bangalore Municipal Law, 1897, promulgated in Foreign Department Notification No. 2175 I. A., dated the 9th June 1897, as amended by that Department Notification No. 5069-I. A., dated the 21st December 1906, namely :—

1. At the end of Section 21 (1), *add* the words "except those whose pay does not exceed rupees ten per mensem."

2. To Section 41 (2), *add* as first proviso, *viz.*, "Provided that in the case of any building not erected for purposes of being rented and not ordinarily let, the annual value thereof shall be deemed to be six per cent on the estimated present cost of erecting the building less a reasonable amount on account of depreciation, and the estimated cost of the land in or on which the building is erected," and

Insert the word "also" between the words "Provided" and "that" in the existing proviso which should be regarded as the 2nd proviso to Section 41 (2)

3. For Section 53 *substitute* the following: *viz.*,

"53 (1). For the purposes of this chapter, the Commission may, by notice, in writing,

(a) call on the owner of any land or building to furnish, within a week after the service of the notice, returns of the rent actually received for such land or building, of the measurements thereof and of the cost of erecting the building, and

(b) call on the occupier of any land or building to furnish, within a week after the service of the notice, a return of the rent actually paid for such land or building and of the name of the owner."

"(2) Every owner or occupier on whom such requisition is served shall be bound to comply with the same and to make a true return to the best of his knowledge and belief."

"(3) If any person so called upon to furnish information (a) omits to furnish it, or (b) furnishes information which he knows or has reason to believe to be untrue, he shall be punishable in case (a) with fine which may extend to ten rupees, and in case (b) with fine which may extend to one hundred rupees."

4. For section 58, *substitute* the following: *viz.*,

"58 (1). The Commission may at any time amend the assessment list by inserting the name of any person whose name ought to have been inserted or by inserting any property which ought to have been inserted or by altering the assessment on any property which has been erroneously valued or assessed through fraud, accident or mistake, after giving notice, to every person interested in the amendment, of a time not less than one month from the date of service of such notice at which the amendment is to be made.

(2) Any person interested in any such amendment may tender his objection to the Commission in writing before the time fixed in the notice, and shall be given an opportunity of being heard in support of the same in person or by authorized agent, as he may think fit.

(3) When any building is first constructed, rebuilt or enlarged, the owner shall give intimation thereof to the Commission within fifteen days from the completion of such first construction, rebuilding or enlargement or from the date of occupation of such building, whichever date happens first. The Commission shall, on receipt of the said intimation, assess the tax leviable in respect of the building. For every whole month intervening between the date of completion or occupation and the end of the half year, one-sixth of the half yearly instalment of such new tax or enhanced tax shall be leviable.

5. To section 80, *add* the following sub-section, *viz.*,

"(2) when a number has been affixed under sub-section (1), the owner of the building shall be bound to maintain such number and to replace it if removed or defaced, and if he fails to do so, the Commission may, by written notice, require him to replace the same."

Renumber the existing sub-section (2) of section 80 as number (3).

6. In section 137 (1) (e) (1) *insert* the words "cart stands" between the words "encamping-grounds" and "pounds."

To section 137 (1) (e) *add* the following clauses, *viz.*,

"(vii) For the control and supervision of all premises used for any of the purposes mentioned in section 103 and of all trades and manufactures carried on therein."

(viii) For regulating the hours and manner of transport of skins, hides, horns, salt fish, and bones, or any other articles, which may be specified by the Commission with the approval of the Resident, from which offensive or unwholesome smells are likely to arise."

7. For section 151, *substitute* the following, *viz.*,

"151. Whoever drives any vehicle after dark in any street unless the vehicle is supplied with a sufficient light shall be punished with fine which may extend to twenty rupees.

8. For section 159, *substitute* the following, *viz.*,

"159. Whoever carries a corpse along a route prohibited by the Commission or deposits a corpse in any place prohibited by the Commission or in any place or manner likely to cause annoyance to the public shall be punishable with fine which may extend to ten rupees."

9. For section 186, *substitute* the following, *viz.*,

"186 (1). When any sum is due to the Commission under this Law by any person the Commission may recover such sum in the following manner, namely:—

(a) by causing a bill for the sum stating the nature of the demand, to be served on the person liable to pay the same, in the manner provided in section 182;

(b) if the sum is not paid within seven days from the service of such bill, by causing a notice of demand to be served on such person;

(c) if such person does not within seven days from the service of such notice pay the sum due, with any fee leviable for the notice, or show sufficient cause for non-payment, by distraining and selling the moveable property of such person in the manner provided in the Code of Civil Procedure for the time being in force in the Station;

(d) by suing such person in the Civil Court.

(2) Taxes levied on buildings and lands shall, subject to the prior payment of any claim on behalf of Government, be a first charge upon the said buildings or lands and upon the moveable property, if any, found within or upon such building or land and belonging to the person liable for such tax.

(3) In the event of the non-payment of any tax imposed under Section 41, Section 42 or Section 43, within seven days from the date of the service of a notice of demand in terms of clause (b) of sub-section (1), the person failing to pay such tax, shall, on conviction before a Magistrate, be liable to a fine not exceeding twice the amount of the tax found to be due.

Provided that recovery by prosecution shall not be applicable to sums due on account of water consumed in excess of the sanctioned free allowance.

(4) If the sum due from the owner of any house, building or land in respect of any rate or tax remains unpaid, after notice of demand has been duly served, the President may demand the amount from the occupier for the time being of such house, building or land, and on non-payment thereof, may

recover the same by distress and sale of any moveable property found on the premises and in such case the occupier may deduct from the next and following payments of his rent the amount which may be so paid or recovered from him.

Provided that no arrear of rate, or tax which has remained due from the owner of any house, building or land for more than one year shall be so recovered from the occupier thereof."

10. At the end of the Municipal Law, *add* a new section, *viz.*,

"193. The President may summon any person to attend before him and to give evidence or produce documents, as the case may be, in respect of any question relating to taxation or inspection or to the grant of any license under the provisions of this Law."

Any person failing to obey the summons shall be liable, on conviction before a magistrate, to a fine not exceeding fifty rupees.

No. 1975 -I.B. 28/5/10

RESIDENT'S OFFICE,
BANGALORE.
Register No. 3098
Date of Receipt 30.5.10
File No. 24/83

A copy of the foregoing notification is forwarded to the Hon'ble the Resident in Mysore, for information, with reference to the correspondence ending with his letter No. 2746, dated the 6th May 1910.

B.167.

order, etc.,

D. W. Reynolds

Assistant Secretary to the Government of India.

FOREIGN DEPARTMENT.,

Simla;

The 23rd May 1910.

(With 1 spare copy.)

Impt. endorsement is submitted for approval.

31/5/10 31/5/10

Recd

108 (a)

FOREIGN DEPARTMENT.

NOTIFICATION.

Simla, the 13th May, 1910.

No. 912-*I.B.*—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, the Governor General in Council is pleased to amend the Bangalore Municipal Law, 1897, as follows:

1. At the end of section 21 (1) of the said Law, the words "except those whose pay does not exceed rupees ten per mensem" shall be added.

2. To section 41 (2) of the said Law, the following shall be added as the first proviso, namely:

"Provided that in the case of any building not erected for purposes of being rented and not ordinarily let, the annual value thereof shall be deemed to be six per cent on the estimated present cost of erecting the building, less a reasonable amount on account of depreciation, and the estimated cost of the land in or on which the building is erected".

In the existing proviso to the same section, which should be regarded as the second proviso, the word "also" shall be inserted between the words "Provided" and "that".

3. For section 53 of the said Law the following shall be substituted, namely:

"53 (1). For the purposes of this chapter, the Commission may, by notice, in writing,

(*a*) call on the owner of any land or building to furnish, within a week after the service of the notice, returns of the rent actually received for such land or building, of the measurements thereof and of the cost of erecting the building, and

(*b*) call on the occupier of any land or building to furnish, within a week after the service of the notice, a return of the rent actually paid for such land or building and of the name of the owner.

"(2) Every owner or occupier on whom such requisition is served shall be bound to comply with the same and to make a true return to the best of his knowledge and belief."

"(3) If any person so called upon to furnish information (*a*) omits to furnish it, or (*b*) furnishes information which he knows or has reason to believe to be untrue, he shall be punishable in case (*a*) with fine which may extend to ten rupees, and in case (*b*) with fine which may extend to one hundred rupees."

4. For section 58 of the said Law the following shall be substituted, namely:

"58 (1). The Commission may at any time amend the assessment list by inserting the name of any person whose name ought to have been inserted or by inserting any property which ought to have been inserted or by altering the assessment on any property which has been erroneously valued or assessed through fraud, accident or mistake, after giving notice, to every person interested in the amendment, of a time not less than one month from the date of service of such notice at which the amendment is to be made.

(2) Any person interested in any such amendment may tender his objection to the Commission in writing before the time fixed in the notice, and shall be given an opportunity of being heard in support of the same in person or by authorized agent, as he may think fit.

(3) When any building is first constructed, rebuilt or enlarged, the owner shall give intimation thereof to the Commission within fifteen days from the completion of such first construction, re-building or enlargement or from the date of occupation of such building, whichever date happens first. The Commission shall, on receipt of the said intimation, assess the tax leviable in respect of the building. For every whole month intervening between the date of completion or occupation and the end of the half year, one-sixth of the half-yearly instalment of such new tax or enhanced tax shall be leviable.

5. To section 80 of the said Law the following shall be added as sub-section (*2*) namely:

"(2) When a number has been affixed under sub-section (*1*), the owner of the building shall be bound to maintain such number and to replace it if removed or defaced, and if he fails to do so, the Commission may, by written notice, require him to replace the same."

The existing sub-section (*2*) of section 80 shall be renumbered as sub-section (*3*).

6. In section 137 (*1*) (*e*) (*i*) of the said Law the words "cart stands" shall be inserted between the words "encamping-grounds" and "pounds".

137 To section 137 (*1*) (*e*) *add* the following clauses, *viz.*,

"(vii) For the control and supervision of all premises used for any of the purposes mentioned in section 103 and of all trades and manufactures carried on therein."

Correct Mr
Sec 137 is the copy of the
Gazette of Notification

"(viii) For regulating the hours and manner of transport of skins, hides, horns, salt fish, and bones, or any other articles, which may be specified by the Commission with the approval of the Resident, from which offensive or unwholesome smells are likely to arise."

7. For section 151 of the said Law the following shall be substituted, namely:

"151. Whoever drives any vehicle after dark in any street, unless the vehicle is supplied with a sufficient light, shall be punishable with fine which may extend to twenty rupees."

8. For section 159 of the said Law the following shall be substituted, namely:

"159. Whoever carries a corpse along a route prohibited by the Commission or deposits a corpse in any place prohibited by the Commission or in any place or manner likely to cause annoyance to the public shall be punishable with fine which may extend to ten rupees."

9. For section 186 of the said Law the following shall be substituted, namely:

"186 (1) When any sum is due to the Commission under this Law by any person the Commission may recover such sum in the following manner, namely:

(*a*) by causing a bill for the sum stating the nature of the demand, to be served on the person liable to pay the same, in the manner provided in section 182;

(*b*) if the sum is not paid within seven days from the service of such bill, by causing a notice of demand to be served on such person;

(*c*) if such person does not within seven days from the service of such notice pay the sum due, with any fee leviable for the notice, or show sufficient cause for non-payment, by distraining and selling the moveable property of such person in the manner provided in the Code of Civil Procedure for the time being in force in the Station;

(*d*) by suing such person in the Civil Court;

(2) taxes levied on buildings and lands shall, subject to the prior payment of any claim on behalf of Government, be a first charge upon the said buildings or lands and upon the moveable property, if any, found within or upon such building or land and belonging to the person liable for such tax;

(3) In the event of the non-payment of any tax imposed under Section 41, Section 42 or Section 43, within seven days from the date of the service of a notice of demand in terms of clause (*b*) of sub-section (*1*), the person failing to pay such tax, shall, on conviction before a Magistrate, be liable to a fine not exceeding twice the amount of the tax found to be due.

Provided that recovery by prosecution shall not be applicable to sums due on account of water consumed in excess of the sanctioned free allowance.

(4) If the sum due from the owner of any house, building or land in respect of any rate or tax remains unpaid, after notice of demand has been duly served, the President may demand the amount from the occupier for the time being of such house, building or land, and on non-payment thereof, may recover the same by distress and sale of any moveable property found on the premises and in such case the occupier may deduct from the next and following payments of his rent the amount which may be so paid or recovered from him:

Provided that no arrear of rate, or tax which has remained due from the owner of any house, building or land for more than one year shall be so recovered from the occupier thereof."

10. After section 192 of the said Law the following shall be inserted, namely:

"193. The President may summon any person to attend before him and to give evidence or produce documents, as the case may be, in respect of any question relating to taxation or inspection or to the grant of any license under the provisions of this Law.

Any person failing to obey the summons shall be liable, on conviction before a magistrate, to a fine not exceeding fifty rupees."

S. H. BUTLER,
Secretary to the Government of India.

L. D.—19-5-10.—28.—N.C.

R. P. B.—5-1910.—3,000.

RESIDENT'S OFFICE.

No. 109
File No. 44/93

[DRAFT—For approval.

From

MAJOR W. G. GREY, I. A.,

1st Assistant to the Resident in Mysore

~~To~~

No. 3416 S—1
8/4 June 1910:
A. 608/W.

[Here enter q^tr of India, transfer
Dep^tt, intimation No. 912-D.13 dated
the 13th May 1910.]

A copy of the foregoing intimation is forwarded herewith to the President Municipal Commission for information, with reference to the correspondence ending with his letter No. 281 dated the 12th April 1910.

W. G. G.
First Asst to Resident

31/5/10

31/5/10

Seen 1/6/10

1/6/10